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STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

APPLICATION FOR SEARCH WARRANT

I, Dan Peterson, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the premises described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

- **Location history for Google Device ID 243666522 from 05/01/2018 through 11/26/2018.**
- **Any account identifiers for the Google Device ID 243666522 to include not limited to email addresses, physical addresses, phone numbers, full names and dates of birth or device information.**

NON DISCLOSURE

It is also ordered that Google LLC not notify any person, including the subscriber or customer, of the existence of this order for a period of 90 days in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates and co-conspirators or flee or continue their flight from prosecution.

is or are at the premises described as:

Google LLC, Which is headquartered at 1600 Amphitheatre Parkway, Mountain View, California.

located in city or township of Eden Prairie, County of Hennepin, State of Minnesota.

I apply for a search warrant on the following grounds:

- **The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.**

The facts establishing the grounds for issuance of a search warrant are as follows:

Your affiant, Daniel Peterson, is a licensed Police Officer for the Eden Prairie Police Department and is currently assigned to the Criminal Investigations Division. Your affiant has

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been a licensed officer since 2007 and is responsible for investigating criminal offenses that occur in the city of Eden Prairie, Hennepin County. Your affiant has also received additional training in digital forensics, cellular phone analysis and cellular technology. In this capacity, your affiant believes the following to be true and correct.

This affidavit is based on an investigation conducted by members of the Eden Prairie Police Department. Your affiant's knowledge of the matters contained in this affidavit is based upon his personal knowledge and information provided by other law enforcement officers/agents.

On 10-06-18 at 2241 hours, the Eden Prairie Police Department was contacted by the homeowner (N.O.) indicating that two unidentified males had entered the house and committed a robbery. The males were reported to have been "African" and both wearing black clothing, black masks which revealed only their eyes and also wore gloves. (N.O.) described that at least one of the males as having a handgun and pointing at her husband (O.O.) and demanding money.

Your affiant met with other police officers and learned that (N.O.) and her husband (O.O.) were home at the time of the robbery. (O.O.) was reportedly in the basement watching television while (N.O.) was watching television on the main level. (N.O.) heard a loud noise in the basement and went to the stairs to check on her husband. She observed the two suspect that were unknown to her coming up the stairs. One of the suspects was standing behind her husband, pointing a gun to his head and demanding money as they came up the stairs.

(N.O.) also reported that the two males kept her and her husband on the main level. One of the suspects then went upstairs while the other suspect with a gun stayed on the main level with the victims. (N.O.) was instructed to look away from the suspect, face a wall and was pushed several times when she looked toward the suspect. (N.O.) said that she heard her husband (O.O.) have a disagreement with the suspect with the gun and that suspect may have struck him. At least one of the suspects repeatedly stated that he was aware that they had cash in the house and that she owned a business. (N.O.) explained to your affiant that she co-owned two Asian markets and she came home with approximately \$50,000 in cash. While the suspects were looking for the cash (N.O.) believed that her husband began to have a heart attack. Her husband (O.O.) was having difficulty breathing and was unsteady on his feet. (O.O.) was reported to have heart bypass surgery 4-5 years earlier. One of the suspects gave water bottles to (N.O.) and (O.O.) as (O.O.) was feeling poorly.

After finding the cash that (N.O.) brought home and placed in a backpack, the two suspects assisted in bringing up (O.O.) from the main level of the house to one of the upstairs bedrooms. (N.O.) also was instructed to stay in the bedroom with (O.O.), she was told to face the wall and wait 20 minutes before she could move. (N.O.) waited approximately 10 minutes and found her husband unresponsive. (N.O.) then called 911. The responding officers found (O.O.) unresponsive and life saving measures failed to revive him and he was

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pronounced dead at the scene by Hennepin County Medical Center Paramedics. Your affiant observed the scene at the residence and it appears to be consistent with the residence being ransacked by suspects. The deceased victim (O.O.) did not appear to have any obvious trauma or blood loss that would assist with identifying the cause of his death.

Your affiant learned that there were other burglaries that appear to be linked with this incident in Eden Prairie. In Steele County there were two similar home invasions on 08-15-18 and 09-23-18. In both incidents, two black males suspects entered the homes around 2230 and one suspect stayed with the victim while the other suspect search both the house in both incidents. The reported loss in those incidents was \$30,000 and \$60,000.

An informant contacted law enforcement and provided information related to home invasion burglaries. The informant provided confidential, yet reliable information to law enforcement that has been proven to be true and correct and law enforcement has been able to corroborate the information provided. The informant said that L [REDACTED] (DOB of [REDACTED]) and R [REDACTED] (DOB of [REDACTED]) were responsible for committing home invasion burglaries. The informant indicated L [REDACTED] and R [REDACTED] described their involvement in home invasion burglaries. Law enforcement officers compared the details provided by the informant and it matched with the burglaries in Steele County. The informant also indicated that L [REDACTED] and R [REDACTED] admitted their involvement in a burglary that had just occurred "past Bloomington" in which the incident went "sideways" because they thought no one would be home. That conversation between the informant and the suspects reportedly occurred after the burglary in Eden Prairie.

A neighbor of the Eden Prairie victim reported seeing a white sports utility vehicle park in front of her house within the past 10 days. The neighbor reported observed two males exit the vehicle and walk in different directions but toward the victim's residence. The suspect description provided by the neighbor of the victim matched the physical description of L [REDACTED] and R [REDACTED].

The physical description including the clothing description of the suspects in Steele County and Eden Prairie matched. The suspects in the all of the burglaries targeted residences that were owned by people over 60 years old. The suspect took the victim's mobile telephones in all three incidents and hid them from the burglary victims in a similar fashion. The suspects were in the residences of the victims for extended time periods in all three incidents. All three incidents the suspects used small flashlights while searching the residence.

Your affiant has already served a reverse location search warrant to Google Inc and received the results.

The data provided by the issuance of the reserve location search warrant was anonymized. The information that was requested is similar that that of a "tower dump" from a cell phone

provider but is more restrictive in the sense that it is anonymous. Google only provided "Device ID" information and the associated locations. There is no way for your affiant to identify the related user of the device with this information alone. The data that was returned only provided location data for specific device IDs within a geographical fence for a specific time frame.

A Device ID is an anonymized number that Google has assigned to devices such as cell phones, tablets and computers. Android and some iPhones will report location related data back to Google when powered on. This reporting of location information cannot be disabled by the user. The frequency of this reporting will vary from every second to 5+ minutes, depending on the device activity at the time. This data is sourced from information received by the device in reference to known cell towers, known WiFi networks, and GPS locations. Google uses this information for location-based advertising and location-based searches. The device does not have to connect to the WiFi to generate this location information, nor does the WiFi on the device have to be on. Under the stored communication act (18 U.S.C. 2703) this data is available to law enforcement through the issuance of a probable cause search warrant.

Your Affiant received the data from Google, Inc and reviewed it. The data showed Device IDs along with the various locations related to WiFi networks, GPS points and cell tower data as known to Google along with the date and time of the location point as well as an estimated range in meters.

The locations of Device ID **243666522** are of particular interest on 10-6-2018:

- At 9:33pm the device began reporting a location of a Wifi believed to be at a neighbors behind the victim residence. This is the first point available with the time frame provided to Google.
- The device continued to report locations associated with the rear neighbor's Wifi until approximately 9:42pm. There were six location reports on the neighbors Wifi from 9:31pm-9:42pm.
- At 9:44pm, the device began reporting locations associated with a WiFi network located at the victim's residence.
- From 9:42pm until 10:39pm, the device continued to report locations associated with the victim's residence. The ranges for these points were generally between 13-20 meters. There were approximately 26 location records associated with the victim's residence.
- At 10:41pm, the device reported a location again associated with the rear neighbor's residence with a range of 149 meters.

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The victim's in this case reported that the suspects broke a rear patio glass door to gain entry into the home and were inside the home for approximately one hour. The 911 call to the Eden Prairie Police Department was made at approximately 10:41pm on 10/6/2018. The reverse location warrant issued to Google covered the times of 9:30pm-11:30pm. After the last location record of 10:41pm, Device ID **243666522** was no longer being reported in the area of the victim's residence. Your Affiant knows the victims remained at the residence so it is most likely not associated with their devices. The location information provided by Google for Device ID **243666522** is consistent with the victim's timeline of events and is believed to be associated with a suspect in this case.

I am seeking this warrant that will be served directly to Google, Inc in order to obtain:

- Location history for Google Device ID 243666522 from 05/01/2018 through 11/26/2018.
- Any account identifiers for the Device ID 243666522 to include not limited to email addresses, physical addresses, phone numbers, full names and dates of birth or device information.

The time frame of 05/01/2018-11/26/2018 is requested in order to determine patterns of life and trends the device is associated with. There is also a duty to preserve records that could be exculpatory in nature. Your Affiant also has knowledge of other known locations where the suspects were located before and after this crime was committed. The suspects in this case have also been linked to other burglaries beginning in May of 2018. The data received can be used to compare those locations to the Device ID's location in order to determine ownership of a device. This will assist investigators in associating the suspects in this case to the location of the victim's residence.

Your affiant is also requesting it be ordered that Google, Inc not notify any person, including the subscriber or customer, of the existence of this order for a period of 90 days in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates and co-conspirators or flee or continue their flight from prosecution.

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I request a search warrant be issued, commanding Dan Peterson, a peace officer of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described premises for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

I declare under penalty of perjury that everything stated in this document is true and correct.

Applicant: Dan Peterson
Eden Prairie Police Dept
Electronically Signed
11/27/2018 10:24 AM
Hennepin County, Minnesota

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STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

SEARCH WARRANT

TO: DAN PETERSON, A PEACE OFFICER OF THE STATE OF MINNESOTA.

WHEREAS, Dan Peterson has this day on oath made an application to this Court for a warrant to search the following described premises :

Google LLC, Which is headquartered at 1600 Amphitheatre Parkway, Mountain View, California.

located in city or township of Eden Prairie, State of Minnesota for the following described property and thing(s):

- **Location history for Google Device ID 243666522 from 05/01/2018 through 11/26/2018.**
- **Any account identifiers for the Google Device ID 243666522 to include not limited to email addresses, physical addresses, phone numbers, full names and dates of birth or device information.**

NON DISCLOSURE

It is also ordered that Google LLC not notify any person, including the subscriber or customer, of the existence of this order for a period of 90 days in that such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates and co-conspirators or flee or continue their flight from prosecution.

WHEREAS, the application of Dan Peterson was duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following ground(s):

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

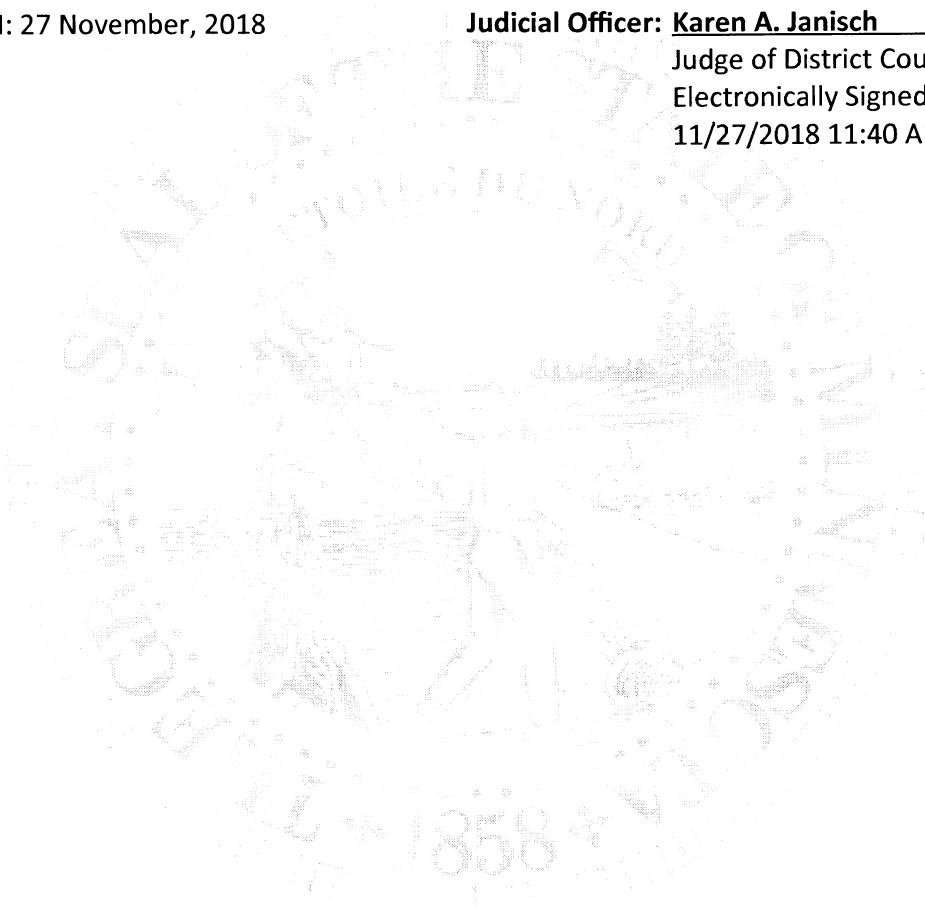
The court further finds that probable cause exists to believe that the above-described property and thing(s) is or are at the above-described premises

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NOW, THEREFORE, you Dan Peterson, peace officer of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described premises, for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

ISSUED ON: 27 November, 2018

Judicial Officer: Karen A. JanischJudge of District Court
Electronically Signed
11/27/2018 11:40 AM

STATE OF MINNESOTA, COUNTY OF Hennepin

DISTRICT COURT

RECEIPT, INVENTORY AND RETURN

I, Dan Peterson, received the attached search warrant issued by the Honorable Judge Janisch, on 11/27/2018, and have executed it as follows:

Pursuant to the warrant, on 11/27/2018, at 01:15 o'clock pm, I searched the following described in the search warrant.

☒ Premises ☐ Motor Vehicle ☐ Person

I have left a true and correct copy of the search warrant (with) (in) (at)

Google LLC, 1600 Amphitheater Parkway, Mountain View, CA

I took into custody the property and things listed below: (attach and identify addition sheets if necessary).

This warrant was served electronically to Google on 11/27/2018. Google typically takes longer than ten days to respond with the requested documents. Therefore, this warrant is being filed without having received any of the requested information as of yet. This warrant will be re-filed once the information has been received.

Check the appropriate:

- ☐ I left a receipt for the property and things listed above with a copy of the warrant.
- ☐ None of the items set forth in the search warrant was found.
- ☒ I shall retain or deliver custody of said property as directed by court order.

"I declare under penalty of perjury that everything I have stated in this document is true and correct." Minn. Stat. 358.116.

/s/ Daniel Peterson
(Signature)

Date: 11/29/2018

County: Hennepin

State: Minnesota

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